

**Foxborough Planning Board
Meeting Minutes
July 28, 2011
Town Hall**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Shannon McLaughlin, Ron Bressé, Alternate John Rhoads

Also Present: Planner Sharon Wason

7:00 p.m. Review of old/new business

Town Planner Authorization

Sharon Wason explained that Mass General Laws Chapters 41 and 41A require that the Planning Board sign the decisions and asked approval from the Board to sign documents on the Board's behalf.

Motion by Gordon Greene to approve document granting Sharon Wason authority to sign documents on behalf of the Board. Seconded by William Grieder. Unanimous Affirmative Vote (5:0)

Department Fees

S.Wason stated that she has been working to create a fee schedule. She stated that she has added a charge per abutter to applications to count for the time it takes to process the abutter notifications. She will be preparing a hearing notice and schedule the hearing at the next possible meeting.

Planner's Report

S.Wason presented her report to the Board. She has worked with W.Grieder to create a work program and would like the Board's input in setting priorities to the tasks. She stated that she would like to have as a high priority the creation of an administrative manual. John Rhoads asked for time to review the list and asked that a discussion be scheduled at the next meeting.

Correspondence

S.Wason presented a proposal from intern Tim Cummings from Northeastern University for an Economic Development Self-Assessment. She stated that the assessment is done with a multiple choice test. She stated that it is a great idea in concept, but since no other community in the state has a stadium, the questions would not include that area of town. She added that a Master Plan will be started next year and economic development would be a priority.

The Board read correspondence received from abutting Towns.

**7:10 p.m. Public Hearing – Special Permit
“Big Y” Supermarkets
369 Central Street**

Motion by W.Grieder to waive the reading of the hearing notice. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

Attorney Frank Spillane was present with Matthew D'Amour, Big Y Foods Director of Store Development, Pete Smith, Big Y Foods Manager of Store Development, William Buckley, P.E. of Bay Colony Group, Inc., Jeffrey Dirk, P.E. of Vanasse & Associates, and Eric Bednarek, RLA of the Cecil Group.

F.Spillane presented an overview of the project. There are two parcels that are part of the project, Foxfield Plaza and an abutting parcel totaling 11.3 acres with 1.7 acres in Mansfield. There is 600 ft. of frontage on Central Street and 1,000 ft. of frontage on Commercial (600 ft. in Foxborough). The project abuts residential zone on Vernal Avenue in Foxborough and on Central Street in Mansfield. He stated that the Foxboro Furniture building will be restored and the existing L-shaped building will be demolished and a 56,000 sq. ft. supermarket will be built in that area. He stated that the existing lot coverage is 70% and the redeveloped coverage is 60%. They are required to file for a Special Permit since 1.8 acres of the project is in the WRPOD. The Special Permit requirements are under Sections 9.4 and 10.4 of the Foxborough Zoning By-Laws. He stated that the uses proposed are allowed in the Highway Business zoning district.

W.Buckley reviewed the site. He stated that the main portion of site is almost completely impervious. The site rises 4-5 ft. from Central Street and 7-8 ft. from Foxborough Boulevard and pitches to east, west, and south. He stated that they have filed an abbreviated notice of resource delineation. He stated that the Robinson Brook comes through a small portion of the site and is part of the Taunton River Basin. The site currently drains through a drain manhole that connects to the drain line on Central Street, which is a State highway. The back of the property runs to a pipe connected to the brook. Since MassHighway will not allow any direct ties to their system, they will be taking water from site and infiltrate it in the property. He stated that borings on the front and back of the property found suitable soils. They will be constructing basins on the Central St. side, an above ground infiltration basin adjacent to Robinson Brook, a subsurface roof drain infiltration trench and other measures. The site will be re-graded so that the building elevations are matching. The entrance on Foxborough Boulevard is mostly the same but will be adding a sidewalk to connect to the existing sidewalk. There will be sidewalks throughout the parking lot. Currently, the plaza is used as a cut-through, the new parking is perpendicular to the cut-through for safety. The site is served by municipal water through a water line on Central Street. The site is currently on sewer through a private contract. They have approached the Foxborough Water & Sewer Commissioners requesting additional flow; have also approached Mansfield through their DPW director. They are identifying areas of infiltration that can be fixed to minimize the amount of flow. As a contingency plan, they have identified an area where they can install a septic system. All lighting on the site will be replaced with new light poles with cut-off fixtures, there will be some lights on the rear of the building and also motion-activated wall packs. The lights will be shut off at night, except for those necessary for security reasons. The building layouts are currently 43' from the property line; the proposed new building will be 60' from property line at its closest point. He discussed traffic flow on site. He stated that currently there are 5 curb cuts which will be taken down to 2 on Central Street, 1 across from Alex Lane and one in the rear of the building. They expect that most of the business will be coming from Foxborough Boulevard. There will be a 30' aisle going in front of the building and in the back. Regarding truck traffic, they expect 4-6 tractor trailers per day. The loading dock will be on the side of the building to create a buffer from Vernal Ave. Trucks would enter rear driveway on Central Street and exit onto Foxborough Boulevard. Box trucks would enter and exit through Foxborough Boulevard. Dumpsters and compactors are connected to the building and would be emptied on demand about once a week

K.Weinfeld stated that delivery truck drivers would need to be educated. W.Griender asked if they would agree to a condition to direct delivery trucks through Foxborough Boulevard/Commercial

Street. M.D'Amour responded that they would agree to such conditions. W.Griender asked what the delivery hours are expected to be. M.D'Amour responded that delivery hours would be 4:00-8:00 p.m.

S.Wason asked if the existing sidewalks on both sides of Central would be repaired due to new curb cuts. W.Buckley responded that the sidewalks would be repaired and curb cuts and sidewalks would be ADA compliant. He stated that the project has gone through MEPA review process and it adequately complies, a traffic presentation was done and approved by MEPA.

Jeffrey Dirk of Vanasse & Associates presented the traffic portion. He stated that through the MEPA process, they submitted 2 full traffic studies for MEPA and MassDOT review. They are moving on Section 61 finding, with MassDOT agreeing to granting changes to the State Highway with the agreed mitigations. He presented a figure showing study area map. He stated that they collected traffic counts and studied motor vehicle crashes. He stated that the expected increase in traffic peak hours would be 200 in and 200 out, Saturdays would add 250 in and 250 out. A market study was performed and they expect 60-70% of the traffic coming from Foxborough Boulevard/Commercial Street. He stated that there are 2 locations with motor vehicle accidents: Route 140 with Forbes Boulevard and in front of the site. They are proposing to install a full traffic signal entrance to the project; the intersection didn't meet warrants prior to this project. They will be reconstructing driveways and extending the sidewalk on Forbes. The new traffic signal will have bicycle detection, will be synchronized with light at Route 140 and will have Opticom system. They will also be upgrading signaling equipment at the Route 140 intersection. Concerning the intersection of Route 140 and Central Street, he stated that the volume of traffic and speed cause backups for left turns. The State has asked if the intersection meets warrants and it meets warrants today prior to any further development. They have designed improvements to the intersection: widening the road at Route 140 for dedicated right turn and left turn lanes. They are proposing that applicant pay for design and permitting and help the Town with grant applications for the construction of the improvements. He stated that applications are being accepted by the State September 1-8th. He stated that the site will also have bicycle racks and marked spaces for car pools as required by the State.

Landscape architect Erik Bednarek of the Cecil Group presented the landscaping plan. He stated that they are proposing extensive landscaping at each entrance with hedges and plantings with decorative and ornamental trees. He stated that the west side of the site will have extensive plantings with evergreens and ornamental plantings. Interior lanes of the parking lot will have durable plantings. The north side of the site (facing Vernal Avenue) has many vines which are attacking existing trees, they will prune the vegetation attacked by the vines and would like to save trees. They propose to keep vegetation that is 10' from the existing fence, construct a berm and plantings.

W.Griender asked what the concept of berm is on this project. E.Bednarek responded that they will slope up to bring up the grade, could create an ondulation. S.Wason asked if the applicant would be willing to extend the plantings at Commercial Street. M.D'Amour responded that they would be happy to do it. J.Rhoads stated that he would like to see details of the berm, asked that the berm design be coordinated with Mr. Buckley so it can be shown on the site plans. J.Rhoads asked if they are considering plantings on the basins. E.Bednarek responded that they will be New England wetlands plants. K.Weinfeld asked if the maintenance of the basins will be responsibility of the plaza. W.Buckley responded that the plaza owners would maintain the basins.

J.Rhoads asked about roof top equipment. M.D'Amour responded that they haven't engineered it, but they don't want it to be seen by the public. He stated that typically there's a bump out at the

rear of the building and the equipment would be in front of the bump out area. He stated that they would be fully enclosed units.

W.Grieder stated that he would like the sides of the building to have some softening at the entrance area, asked that they add windows or false windows to soften look. M.D'Amour responded that they can do that.

J.Rhoads asked if they have considered structure storage for stormwater management to eliminate the basin. W.Buckley responded that roof drains will be infiltrated. J.Rhoads asked if there will be infiltrators at the bottom of the basin. W.Buckley responded that they cannot do it. J.Rhoads asked if there would be any conflicts with Board of Health regulations if the septic is combined. W.Buckley responded that the Charter School has a hybrid system, also buildings are separated so there wouldn't be a conflict.

K.Weinfeld read comments received from:

Building Commissioner Casbarra stated that the applicant has received relief by the Board of Appeals for alterations to the existing off-street parking, screening and buffering along Central Street; parking and dimensional requirements have been met.

Conservation Manager Pierce noted that the riverfront boundaries need to be shown on the plan and that the detention basin includes off-grading that further encroaches into the 25 foot no disturb zone.

Water & Sewer Assistant Superintendent Reynolds offered several technical comments.

Planning Board Inspector Mullaney offered several technical comments.

Abutters Mr. and Mrs. Potter of 4 Alex Lane expressed several concerns on the project.

Comments from the public:

Marc Rivard, 166 Central Street – stated that he lives by the intersection of Central and Commercial Streets. He stated that currently there is stormwater overflow and asked if there will be more overflow. W.Buckley responded that they haven't designed the drainage but the brook flows away from his property. They will have to present the plan to the Conservation Commission. J.Dirk asked him to state any issues if there are any problems. M.Rivard asked how intersection will be redesigned. J.Dirk showed him the design and where the widening would be.

Russell Reardon, 10 Vernal Avenue – stated that he is concerned about the dumpsters, he stated that they already problems with trucks idling on driveways. W.Grieder responded that the Board requires applicants that no truck idling allowed signs be installed. M.D'Amour stated that the composter will not run at night. Also, there is no dairy night crew and the baler is inside and is used at night. R.Reardon asked about rodent control. M.D'Amour responded that they practice rodent control and units are sealed and deodorized. He stated that emptying of dumpsters occurs during the daytime. K.Weinfeld stated that the Board will be vigilant about noise control. R.Reardon stated that people at the end of Vernal Avenue have water problems in their cellar. W.Buckley stated that water sheet flows fast onto the brook. The brook runs away from the homes and they will capture up to 7".

Elizabeth Potter, 4 Alex Lane – stated that currently trucks park at the plaza and idle all night and asked if that will be curbed. K.Weinfeld responded that the Board will require that signs be posted stating that no idling is permitted; the applicant would have security to ensure that no vehicles are parked overnight. W.Grieder stated that signs would allow the enforcement of the no idling restriction.

Leo Potter, 7 Alex Lane – stated that he is concerned about traffic being directed to the driveway across from Alex Lane. He also stated that additional ponds will collect more trash.

There were no more comments from the public.

Motion by W.Grieder to continue the public hearing to August 18, 2011 at 7:30 p.m. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

S.Wason explained that Maguire Group has been asked to perform the site plan and drainage review for the project. They have submitted an estimate totaling \$6,000.00 for the review and the applicant has agreed to pay for the cost of the review.

8:55 p.m. Discussion concerning the “Highlawn Farm” subdivision

Attorney Bob Shelmerdine was present along with Bob Hearn.

B.Hearn stated that all issues with National grid have been resolved, street light bases installation began today. He stated that they expect the street lights to be installed in the middle of next week. B.Shelmerdine stated that they were hoping to have lights installed by today, but light bases were not delivered as expected. They expect the installation to be finished by August 4th.

Gordon Greene stated that he is concerned about open trenches in front of houses. B.Hearn responded that he will work on that next Monday.

Ron Bressé asked when the lights would be functional. B.Hearn responded that it will be up to National Grid. R. Bressé stated that he would like to have the lights before school starts.

Nancy Condangelo, 19 Lawton Lane stated that the end of street is overgrown and trash is being thrown there and a large truck with a flat tire has been parked for 2 weeks. B.Hearn stated that they can clean up the trash, it's on the list of landscapers, but they are not in any hurry to move the truck out of there.

Jason McAuliffe, 20 Lawton Lane stated that personal stuff has been addressed but roof drains have not been addressed. W.Grieder stated that the roof drains need to be addressed by individual homeowners.

The discussion will continue on August 18, 2011 at 8:15 p.m. in the McGinty Room at the Public Safety Building.

**9:10 p.m. Continued Public Hearing – Site Plan Review
Boyden Library
10 Bird Street**

Attorney Jeffrey Lovely, Permanent Municipal Building Committee Chairman Bill Yukna and members of the Library Board of Trustees were present along with architect Drayton Fair and landscape architect Erik Bednarek.

S.Wason stated that the Board received a memo from the Design Review Board (DRB) with their votes on the revised design. K.Weinfeld read the memo stating the DRB's approval of the design.

J.Lovely stated that there were two meetings held with the DRB, the neighbors and the Trustees' architects. He stated that there are a couple of open issues with neighbors regarding landscaping.

D.Fair stated that they had productive sessions with the DRB and the neighbors. He stated that they removed one of the zigs from the stairs, modified the connection to the existing building so the addition folds into the existing building, increased the plinth of the building with fieldstone, redesigned windows so profile is deeper and longer which matches original windows, added limestone panels that will match the original building, the curtain wall pattern was simplified so there's more of a vertical feel to it, created an overhang on the roof and enlarged the windows to mimic the existing building. He showed the view from Bird Street and from the Smith's property.

E.Bednarek stated that they have provided additional screening in the rear, added holly trees and evergreens (fall cypress). There are additional larger evergreens to the left of the entrance and on the right side added fall cypress, added hydrangea to north side. He stated that there was a request to add oak trees on front. G.Greene asked if the additional hollies will affect the access to the Smith's property. E.Bednarek responded that they will be spaced to ensure that access is kept.

Attorney Mark Stopa stated that the request is for additional pin oaks to be planted between the sidewalk and the curbing for additional screening. E.Bednarek responded that there is a significant amount of vegetation in front of the building.

M.Stopa stated that there is still an ongoing debate regarding the fencing on Smith's property, but remaining issue is to provide privacy through vegetated buffer. J.Lovely stated that a fence has been discussed and they want to make the Smiths happy. He stated that the request is for a fence with granite pillars and wrought iron panels, but haven't seen an illustration of the fence with screening, especially since the initial concern was privacy. Kristian Smith, 8 Baker Street stated that they would like to keep the cedar fence from the rear to beyond the garage and then change to granite post and wrought iron fence. J.Lovely proposed to spec the cedar fence and add the granite if a positive bid is received. M.Stopa stated that it's only a short run of fence which shouldn't be cost prohibitive. W.Griender stated that the request should have specifics for length and height of fence. M.Stopa responded that the fence of granite pillars and wrought iron panels is not for privacy but for esthetics, also no additional plantings would be needed. J.Lovely stated that they would agree to a cedar fence that extends 30' from the garage with reduced plantings in the fence area.

M.Stopa asked for a clarification on driveways. W.Buckley stated that there are two driveways, the north driveway is 24' wide and the south is 18' wide. He explained that a driveway used to enter needs to be wider due to speeds entering the site. S.Wason stated that 24' makes the driveway look like a two-way driveway. W.Buckley responded that currently, that driveway is 23' and the exit driveway is currently 26' and would be 18'. S.Wason recommended that the driveway be reduced to 20'. W.Buckley responded that they would need a bigger radius.

M.Stopa asked if snow removal could be addressed. K.Weinfeld stated that a condition would require no onsite storage of snow. M.Stopa stated that his clients would like to ask the Board of Trustees that no more private properties be purchased in the Historic District.

Maureen Kraus, 9 Baker Street – asked that trees be planted between the street and the sidewalk to soften the look of the building. S.Wason stated that she spoke with Mrs. Kraus and explained that there are three electric poles with guy wires and there isn't sufficient area to install street trees which are usually large and expensive. M.Kraus stated that she marked where the poles are

and feels that there is room for trees. E.Bednarek stated that trees will begin impacting each other over time and root systems could damage the sidewalks. K.Weinfeld suggested that this discussion be tabled and revisited after construction. W.Grieder stated that trees that are donated to the Town could be used for this purpose.

There were no more comments from the public.

Motion by G.Greene to close the public hearing. Seconded by W.Grieder. Unanimous Affirmative Vote (5:0)

W.Grieder explained that the Town Planner prepared a draft denial and a draft approval. S.Wason explained that the decision contains standard conditions with the following added conditions:

- staging area should be identified
- no parking of construction vehicles on Baker Street
- construction trucks should not travel on Baker Street
- fencing to protect existing trees needs to be installed
- damaged trees should be replaced
- preventative measures taken to avoid stormwater and/or mud from entering Baker Street
- street drains cleaned daily
- dumpsters emptied frequently
- construction hours to be 7:00 a.m. to 7:00 p.m. per the Town's General By-Laws
- emergency generator should be screened and should be whisper-quiet type
- dumpster should be screened

J.Lovely stated that the easement to the Smiths would need Town Meeting approval. J.Rhoads suggested that the condition stated that the easement is subject to Town Meeting approval.

J.Lovely stated that to address condition requiring that employees park offsite, they have requested stickers from the Police Department so they can park around the Common. He requested that the condition be changed to "continue the policy of parking offsite".

Concerning construction trucks not using Baker Street, B.Yukna stated that it will be very hard for trucks to make the sweeping turn from Bird Street onto Baker Street. S.Wason suggested adding "to the extent practical" to the beginning of the condition.

J.Lovely questioned the requirement of cleaning the drains daily. S.Wason stated that this condition was requested by Building Commissioner Casbarra. J.Rhoads suggested using silt sacks in the drains.

Motion by W.Grieder to approve the site plan for the Boyden Library expansion with the following conditions:

1. The Applicant shall pay the required inspection fee prior to any site work occurring on the property or the issuance of a Building Permit.
2. The Applicant shall identify a suitable staging area for storage and construction activities offsite. Storage of construction materials on site shall be restricted to materials being used or to be used within fourteen days and shall be located wholly on the lot and so as not to restrict emergency access.

3. There shall be no parking of vehicles associated with the construction along Baker Street at any time. The Applicant shall identify a suitable area for the parking of construction workers.
4. Trucks delivering supplies and material to the site shall access the site from Bird Street and shall not utilize Baker Street north of the site driveways to the extent practicable.
5. The Applicant shall install and maintain tree protection fencing and other protective measures for landscaping to be preserved. The tree protection fencing shall be located so that construction activities and site alterations do not disturb the root zone of the trees designated for preservation. The Board's Inspector may order that the protective measures be relocated to better protect trees and landscaping to be preserved.
6. The Applicant shall replace any trees and landscaping designated to be preserved, which were damaged, killed, or removed as a result of construction activities.
7. The Applicant shall incorporate measures to prevent storm-water and mud from entering onto Baker or Bird Street during and after construction. Silt sacks or other mechanism as approved by the Board's Inspector shall be installed and cleaned as necessary. Baker Street and Bird Street shall be cleaned with a street-sweeper if directed by Building Commissioner, Highway Superintendent, or the Board's Inspector.
8. The Applicant shall dispose of all construction debris in dumpsters or other covered storage receptacles and ensure that the containers are emptied frequently.
9. Working hours shall not exceed 7 a.m. to 7 p.m. Monday through Saturday per Town of Foxborough General By-Laws.
10. All site work, including slope stabilization, paving, and landscaping shall be completed within 18 months from the issuance of a building permit.
11. Any modification to utility lines must be properly cut, patched and sealed/infrared or, if necessary, the entire width of the disturbed portion of any street shall be overlaid with pavement. This work shall be completed and approved by the Highway Superintendent and the Board's Inspector.
12. The emergency generator shall be screened per instructions of the Building Commissioner. The generator shall be "whisper quiet" or other similar type to ensure that generator noise does not negatively impact the neighborhood.
13. Dumpster shall be screened with visually impermeable fence or other suitable structure, with a minimum height of six (6) feet.
14. The fencing and vegetative screening to be installed on the site shall be maintained. Failure to do so will be considered a violation of this approval. In the event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant's failure to cure will be considered a violation of this approval.
15. There shall be no storage of snow on-site. The Applicant shall prepare a Snow Removal Plan to be approved to the Planning Board prior to the application for a Certificate of Occupancy.
16. There shall be an access easement created to the rear of 6-8 Baker Street. This easement shall be recorded prior to the application for a Certificate of Occupancy. Should Town Meeting not approve of the granting of the easement from the town to the owners of 6-8 Baker Street, this condition shall be eliminated.
17. The Applicant shall secure sufficient off-site parking for Library employees and Trustees.
18. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures.
19. As built plans shall be submitted to the Board after construction and all construction shown on the site plan must be completed prior to the issuance of an occupancy permit.
20. The applicant or successors are required to maintain the drainage system. The system shall be cleaned and maintained as required by the Operation and Maintenance Plan for

Stormwater BMP's. Failure to maintain the drainage system will be considered a violation of this approval.

21. All signs installed on site shall comply with section 15B of the Foxborough General By-Laws.
22. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street, the Board reserves the right to require the applicant to adjust the level of lighting, the type of lighting fixtures or the location of individual lights.
23. Handicapped access and facilities shall comply with the Americans with Disability Act and Architectural Access Board standards.
24. All mechanical units including HVAC units shall be "state of the art" with respect to noise generation and shall be located on the rooftop. The final design of the type and location of the units shall be submitted to the Board for review. The Board reserves the right to review noise impact to surrounding properties and require the applicant to mitigate any problems.
25. Any proposed change(s) from the approved plans deemed substantive by the Planning Board and/or the Building Commissioner or any future changes in the use or in the intensity of an existing use, shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s). Approved revisions shall be illustrated on plans and submitted.

Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

10:30 p.m. General Business

Patriot Place

W.Grieder stated that he observed that new parallel parking spaces were installed in the crossways at Patriot Place. S.Wason stated that if the spaces were not part of the approved site plan, then a formal modification of the approval is required. W.Grieder stated that a letter should be sent to the developer informing them of the violation.

Motion by W.Grieder to send a letter to Kraft Group's representatives concerning the violation. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

10:40 p.m. Meeting adjourned.

Approved by: Kevin Weinfeld, Chairman

Date: December 8, 2011